

	JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURE	AUTHORITY and REFERENCES: KRS 15A.0652, KRS 635.100, 3-JDF-5A-13 3-JCRF-5H-07 1-JPAS-2-7158, 7159
CHAPTER: Juvenile Services in Community		
SUBJECT: Supervised Placement Revocation		
POLICY NUMBER: DJJ 613		
TOTAL PAGES: 4		
EFFECTIVE DATE: 1/04/2016		
APPROVAL: Bob D. Hayter		COMMISSIONER

I. POLICY

Supervised placement status may be revoked for those youth who reside with a parent, legal guardian, other approved relative or friend of the family, or emergency residence or hospital setting arranged by the caregiver, who are on conditions of supervised placement, and have been found to have violated one (1) or more conditions of supervised placement.

II. APPLICABILITY

This policy and procedure shall apply to all youth committed on public offenses. Placement in a Level 1 through Level 5 setting by the Division of Placement Services, Classification Branch shall not be considered to be on supervised placement, and the youth is not entitled to a supervised placement revocation hearing.

III. DEFINITIONS

Refer to Chapter 600

IV. PROCEDURES

- A. A supervised placement violation report may be prepared on youth who have allegedly violated one (1) or more conditions of supervised placement, following consultation with the Juvenile Services District Superintendent (JSDS).
- B. A supervised placement violation report shall be prepared on youth who:
 1. Are alleged to have violated one (1) or more conditions of supervised placement, and are believed to be a safety concern or risk to the community; or
 2. Are arrested or charged with a felony offense.
- C. Issuance of the Commissioner's Warrant

POLICY NUMBER DJJ 613	EFFECTIVE DATE 1/04/2016	PAGE NUMBER 2 of 4
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1. In the case of a youth requiring immediate detention as a result of a safety concern a Commissioner's Warrant shall be initiated by the Juvenile Services Regional Manager.
2. Only sworn peace officers shall execute a Commissioner's Warrant.
3. The Juvenile Service Worker (JSW) shall immediately notify the Office of Commissioner, the Juvenile Services Regional Manager, and the JSDS, when the Commissioner's Warrant is executed, and forward a copy of the executed document to the Office of the Commissioner and DJJ Legal Services.
4. The JSW shall forward the prepared supervised placement violation report and any subsequent addendums, through the supervisory channels. The youth shall be notified in writing of the alleged violations of supervised placement prior to the probable cause hearing.

D. Probable Cause Hearing and Revocation Hearing

1. The probable cause and revocation hearings shall be conducted in accordance with 505 KAR 1:090.
2. For youth not detained on a Commissioner's Warrant, a probable cause hearing shall not be required. A community based revocation hearing shall be scheduled.
3. For youth detained on a Commissioner's Warrant:
 - a. A probable cause hearing shall be required within five (5) business days, excluding weekends and holidays, unless a continuance is requested or agreed to by the youth or his attorney. KRS 635.100.
 - b. If probable cause is found, the revocation hearing shall be held within ten (10) business days following the probable cause hearing, excluding weekends and holidays, unless a continuance is requested or agreed to by the youth or his attorney.
 - c. If probable cause is not found, the youth shall return to the community on conditions of supervised placement.
4. The hearing officer shall submit a written finding of fact and a recommendation regarding revocation of supervised placement to the youth, parent or caregiver, youth's attorney, JSW, JSDS, Juvenile Services Regional Manager, Division Director of Community and Mental Health Services, and Office of the Commissioner within three (3) business days of the conclusion of the hearing, excluding the date of the hearing, weekends, and holidays.
5. If the hearing officer has determined that a violation has occurred, the Division Director of Community and Mental Health Services, or designee, shall make the final decision regarding the results of the revocation hearing. Options may include the following:

POLICY NUMBER DJJ 613	EFFECTIVE DATE 1/04/2016	PAGE NUMBER 3 of 4
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- a. If the hearing officer determined that one (1) or more conditions of supervised placement have been violated and revocation is warranted, the Division Director of Community and Mental Health Services may determine that the youth has violated conditions of supervised placement and determine whether the revocation of the supervised placement is warranted.
- b. If the hearing officer determined that one (1) or more conditions of supervised placement have been violated and revocation is warranted, the Division Director of Community and Mental Health Services may determine that the youth shall be permitted to continue to reside with a parent or caregiver on supervised placement.
- c. If the hearing officer determined that one (1) or more conditions of supervised placement have been violated, but does not recommend that revocation is warranted, the Division Director of Community and Mental Health Services may accept or reject the recommendation as to revocation.
6. If the hearing officer has determined that the youth did not violate one (1) or more conditions of supervised placement, the youth shall remain on previously established conditions of supervised placement.
7. The Division Director of Community and Mental Health Services, or designee, shall issue a decision letter sent by certified mail, return receipt requested, to the youth, the parents or caregiver, and the youth's attorney within five (5) business days of receipt of the hearing officer's finding of fact, not including the date of receipt of the finding, weekends, and holidays.

V. STAFF TRAINING

- A. The Division of Community and Mental Health Services and the Division of Legal Services shall provide initial training to all community staff.
- B. The Division of Professional Development shall coordinate annual training thereafter.

VI. MONITORING MECHANISM

- A. The Division Director of Community and Mental Health Services or designee, in conjunction with the Quality Assurance Branch, shall develop monitoring protocols to be used by the Juvenile Services District Supervisor or Juvenile Services Specialist that review the implementation of the administrative Supervised Placement Revocation process.

POLICY NUMBER DJJ 613	EFFECTIVE DATE 1/04/2016	PAGE NUMBER 4 of 4
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- B. The Juvenile Services District Supervisor shall review and approve all requests for Administrative Supervised Placement Revocation.
- C. The Juvenile Services Regional Manager shall approve all requests for Administrative Supervised Placement Revocation and ensure all requests support the issuance of a Commissioner's Warrant if applicable. If a Commissioner's Warrant is issued, the Juvenile Services Regional Manager shall track the issuance of the warrant through the process of the warrant being executed and withdrawn from the National Crime Information Center (NCIC).